

Office of Ombudsperson for AMERICAN INDIAN Families

February 21, 2023

Report for the Period 10/26/2022 through 2/21/2023

Duties of the Ombudsperson for American Indian Families

The Ombudsperson for American Indian Families investigates complaints for non-compliance of the Indian Child Welfare Act, the Minnesota Indian Family Preservation Act, Tribal State Agreement, Minnesota Statutes, Court Rules and DHS Policies that involve child protection cases, including placement, public education and housing issues related to child protection that impact American Indian children and families. The Ombudsperson also collaborates with tribes, agencies, counties, community organizations, courts, schools, other organization and stakeholders to develop policies, rules and laws to improve outcomes for American Indian Families involved in the child protection system, as well as collaborating on prevention programs. The Ombudsperson is advised and reports to the American Indian Community-Specific Board, who are all appointed by the Minnesota Indian Affairs Council.

Geographical locations of phone calls and emails

Becker, Bemidji, Blue Earth, Buffalo, Brainerd, Carlton, Carver, Cass, Cook, Detroit Lakes, Duluth, Fond du Lac Reservation, Grand Rapids, Hastings, Hubbard, International Falls, Itasca, Leech Lake Reservation, Little Falls, Lower Sioux Indian Community, Mankato, Mille Lacs, Minneapolis, Ottertail, Perham, Red Lake Nation, Rice, Rochester, St. Cloud, St. Paul, Shakopee, Virginia, Washington, White Earth Nation, and States of Arizona, Michigan, North Dakota, South Dakota, and Wisconsin.

Tribes

Bad River Band of the Lake Superior, Bois Forte Band of Chippewa, Cherokee Nation, Cheyenne River Sioux, Crow Creek Sioux Tribe, Fort Peck Tribes, Fond du Lac Band of Lake Superior Chippewa, Lac Courte Oreilles, Leech Lake Band of Ojibwe, Lower Sioux Indian Community, Mille Lacs Band of Ojibwe, Navajo Nation, Northern Cheyenne, Oglala Sioux, Omaha Tribe of Nebraska, Red Cliff Band of Lake Superior Chippewa, Red Lake Band of Chippewa Indians, Rosebud Sioux, San Carlos Apache Tribe, Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, Standing Rock Sioux, Turtle Mountain Band of Chippewa Indians, Upper Sioux Community Pezihutazizi Oyate, and White Earth Nation.

Some Issues from Cases for the Period of This Report

- Foster care provider reached out regarding county not providing answers to their questions on services that teenager needs.
- Ensured that foster care providers are being provided with clothing allowances to purchase winter clothing.
- Parents claim the county workers are not timely responding to their requests regarding needed services.
- Several counties did not file the return receipt cards prior to the Admit Deny Hearings.
- Social worker at a hospital reached out because a teenager had been at the hospital for over two months without a medical need because it appeared that the tribe and county could not agree on the facility the youth should be placed in. Ombudsperson consulted with tribe and met with County.
- Provided assistance to two tribes, county and parent attorneys regarding a Talking Circle Facilitated by a Tribal Elder.
- Court noted in Order the trial home visit could occur with consultation with the agency (social worker) and the guardian ad litem, but failed to state the consultation should also be with the tribal worker.
- Provided information and resources to grandparents for Third-Party Custody proceedings.
- Provided information and resources on Active Efforts to parents, relatives and parents' attorneys.

ICWA Education, Trainings and Continued Community Outreach

- Ramsey County ICWA Advisory Board Meeting.
- MUID Family Preservation Monthly Meetings.

- Carlton County ICWA Court Committee Meetings and *Bridging Our Understanding* Trainings.
- Citizens Review Panel Meetings for Chisago, Hennepin and Ramsey.
- Children’s Justice Initiative (CJI) Meetings: St. Louis County – Duluth, Carver, Dakota, Itasca, Ramsey, Scott and Stearn Counties.
- CJI child welfare trainings and ICWA trainings.
- CJA Task Force and CJA Subcommittee Meetings.
- Presentation to parents hosted by the Division of Indian Works.
- Attended and answered questions at “ICWA Under Attack”.
- Attended ICWA and Child Welfare Webinars.
- Virtually attended argument of *Brackeen* before the US Supreme Court and participated in discussions.
- Meeting with Beltrami County Judge.
- Meeting with Beltrami County Assistant Attorney, Social Services Division Director and Social Workers.
- Meeting with Ramsey County Judge.
- Visited Northwest Juvenile Facility in Bemidji.
- Meeting with St. Louis County-Duluth Indian Child Welfare Supervisor, Indian Child Welfare Unit,
- Meetings and discussions with Minnesota Ensuring Police Excellence and Improving Community Relations Advisory Council Committee Chair, POST (Peace Officer Standards and Training) Coordinator, Advisory Board Member, St. Louis County Sheriff and Representatives, Fond du Lac Tribal Chair, Kevin Dupuis, and Fond du Lac Tribal Council and others to discuss proposed initiative regarding removal of children by law enforcement.
- Observed court proceedings virtually around the State.
- Attended Tribal Work Group and other meetings to strengthen MIFPA and legislative committee hearings.
- Assisted in securing testimonies for legislative hearings and provided own testimony.
- Attended community events and provided information and resources about the Agency.

Feedback from the Community

I write to you today regarding my experiences with the work of Ms. Jill Esch as the Ombudsperson for American Indian Families. I am pleased to say that, when I have reached out to the Ombudsperson’s office I have always had a prompt response from Ms. Esch, and she is always inquiring and considering how she can best assist the families involved in our child welfare cases. If there is something to follow up on, Ms. Esch will do that. In some instances, she will identify additional resources, both legal and social, in an effort to ensure matters are dealt with in a good way; she has offered to meet with county officials to address issues of ICWA compliance, and has appeared in Court to observe ICWA proceedings when there are legal disputes over the meaning or application of ICWA and/or other pertinent state laws.

While Ms. Esch has not actively participated in the hearings that she has attended, the very fact that she is observing sends a powerful message to state courts and county child welfare agencies, that the State of Minnesota is committed to ensuring fairness and support to our most vulnerable tribal members and families. Further, it shows that the State is committed to working with Tribes, to improve outcomes in the child welfare system. Tribal Attorney, December 14, 2022

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I am a maternal grandmother and foster care provider for my grandson. In working towards my grandson staying in the only home he has known, I have come to understand that the system in place for these processes may not be fair. I needed help to navigate the ICWA/MIFPA information and processes. I contacted the Office of Ombudsperson for American Indian Families. Jill Esch has been invaluable in providing me with information and resources which has allowed me to learn how to address the inequities that I saw within that system. The information and resources have tremendously helped me to stand up for my rights as a Grandmother. I could not have done this without the information and resources provided. I also appreciate that Jill has been able to monitor the court case to observe the proceedings. Chi Miigwech Jill! Grandmother, February 12, 2023